

**CHILD PROTECTION ACCOUNTABILITY COMMISSION  
OCTOBER 13, 2004  
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET  
GOVERNOR'S CONFERENCE ROOM**

**MINUTES**

Those in attendance:

**Members of the Commission:**

The Honorable Peggy Ableman  
The Honorable Patricia Blevins  
Tania M. Culley, Esq.,  
Susan Cycyk  
Harry Downs  
Peter Feliceangeli, Esq.  
Carlyse A. Giddins  
Sgt. Phil Hill  
John Humphrey  
The Honorable Chandlee Johnson Kuhn  
The Honorable Jennifer Mayo  
Janice Mink  
Joanne Miro (proxy for Linda Wolfe)  
Mary Ball Morton (proxy for Sec. DeSantis)  
Julia Pearce  
Merrijane Pierce  
Jennifer Barber Ranji, Esq., Chair

**Statutory Role:**

Child Protection Comm. 16 Del. C. §912(a)(10)  
Member, Senate 16 Del. C. §912(a)(6)  
Executive Director  
Dir. of Child Mental Health 16 Del. C. §912(a)(9)  
Child Protection Comm. 16 Del. C. §912(a)(10)  
Attorney General's Office 16 Del. C. § 912 (a)(3)  
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)  
Child Protection Comm. 16 Del. C. §912(a)(10)  
Child Protection Comm. 16 Del. C. § 912 (a)(10)  
Family Court 16 Del. C. § 912(a)(4)  
Family Court 16 Del. C. § 912(a)(4)  
Child Protection Comm. 16 Del. C. § 912 (a)(10)  
Dept. of Education 16 Del. C. §912(a)(8)  
Children's Department 16 Del. C. § 912(a)(1)  
Child Placement Review Board 16 Del. C. § 912 (a)(7)  
Interagency Comm. On Adoption 16 Del. C. § 912(a)(10)  
Child Protection Community 16 Del. C. § 912 (a)(10)

**Guests:**

Mary Catherine Landis, Esq.	Nancy Widdoes
Joe Bakker	Laura Miles
Anne Pedrick	Michelle Olenick
Candace Charkow	Joseph Smack
Karen DeRasmo	
Ann Marie Johnson	
Marianne Kenville-Moore	
Harvey Doppelt	

- I. Welcome/Introductions
- II. Approval of Minutes – 7/14/04 Meeting

The minutes of the July 14, 2004 meeting were unanimously approved with a few minor changes. Jennifer Barber Ranji's name was corrected throughout the minutes. Jonyelle Smith's name was

corrected. In the second paragraph of the Division of Family Services report on page three, DFS was changed to “the Department.”

### III. 2005 Meeting Dates

The following dates were identified as the CPAC meeting dates for 2005: January 12, April 13, May 23, July 13 and October 12.

### IV. Agency Reports/Statistics

#### A. Division of Family Services

Carlyse Giddins reported on the activities of the Division of Family Services. First, she reported that DFS met all of the criteria necessitated by Delaware’s Child and Family Service Review. She noted that Delaware was one of only three states to have met their performance improvement plan. She also presented CPAC with the Department’s five year Child and Family Service Plan. The Administration for Children and Families has approved this plan with no changes. In the next five years, the Department hopes to continue to meet all standards, to enhance foster care and the FACTS computer system and increase collaboration with all partners in child welfare.

Statistically, in the last quarter, DFS is doing well with investigation caseloads, with the exception of Kent County, which exceeded caseload standards in July. Ms. Giddins noted that Kent has a small staff and any slight change can have a significant impact on caseloads. She noted that the treatment caseload average is 15.4 statewide. She also noted the important impact having the consistent roster of trainees has had on caseloads. Ms. Giddins noted that there had been an increase in hotline reports and some increased turnover and without having the trainees, the outcome may have been different. Ms. Giddins presented statistics with respect to worker movement and turnover. Of the 10 workers who left the Division in the last quarter, two retired, one relocated, two moved to other departments and five left the Division for other reasons. She noted a new trend of workers leaving treatment to join investigation – generally the opposite of what has traditionally been the case. She also noted the general improvement in staffing complement with the percentage of workers that are fully functioning being better. They are not having trouble finding and hiring new staff. Ms. Giddins reported that Frank Perfinski, the Department’s Adoption Program Manager, along with Mary Lou Walker and Julia Pearce received national recognition as “Angels in Adoption” in Washington D.C. recently.

Ms. Giddins also reported on the implementation of “System of Care” within the Department that has been moving full steam ahead. Under this model, when more than one division of the Department is involved with a child the Family Services worker will be the lead worker with primary responsibility. However, this is not a one-worker/one case model. It is still a team effort. Ms. Giddins did note an increase in the number of children in foster care placements – from 747 in August of 2003 to 778 in August of 2004. Ms. Giddins explained that part of the reason for this increase is Department Policy 209, which places primary responsibility with DFS for all dependent children.

Ms. Giddins informed CPAC that the two group homes in New Castle County run by Catholic Charities would be closed by the end of the year. Children’s Home closed in September and Seton

Villa is slated to close at the end of December. Considerable discussion ensued regarding this topic as many CPAC members expressed concern about the young people living in those facilities. These closures leave no group care placements in New Castle County. Ms. Giddins reported that DFS has a plan to place the children in the best possible placement based on available resources. She noted that of the 9 children at Seton Villa, two have the goal of reunification. They will be looking for treatment foster homes for the others. The Department will be releasing the RFP later this fall for all types of foster care, including group care in New Castle County. It is hoped that this process will result in new contracts in place by the spring. In the meantime, Ms. Giddins hopes to bring the current providers together for a meeting to help find solutions to the crisis of the lack of placements. Ms. Giddins reported that Catholic Charities chose to close their group homes as part of their overall restructuring of their programming. Another member of CPAC noted that an issue related to reimbursement rates also impacted this decision on the part of Catholic Charities. It was suggested that DFS needs to review what it actually costs to provide these services to ensure that contracted rates are fair. Ms. Giddins indicated they would be doing this.

Other members expressed concern about the fact that we have more children in foster care and fewer placements. Not only are there 9 children at Seton Villa that need a placement, but children are continuously coming in to care and the shelters have many children as well. Ms. Giddins noted that the situation is not ideal right now, but DFS will ensure that where the children are placed will be safer than where they came from. Tania Culley noted that compounding this crisis is the fact that turnover in the adolescent units has been high and caseloads right now are very high. Ms. Culley requested the list of 9 children at Seton Villa in need of placements. Ms. Giddins noted that the trainees have been providing support and overall, the staff is doing well. She also noted that an employee committee had been formed to address morale. The Department performed an employee satisfaction survey recently, but Ms. Giddins did not have the results with her. She suggested that questions regarding this would be better addressed to the Department.

## B. Child Mental Health

Susan Cycyk, the Director of Child Mental Health (CMH), along with Nancy Widdoes and Harvey Doppelt, presented an overview of how managed care works in Delaware for children. What follows is a brief summary. (For a complete copy of the PowerPoint presentation, please contact the Office of the Child Advocate.) Child Mental Health provides substance abuse and mental health treatment to children under the age of 18. The child must either be Medicaid eligible or must have no other insurance available for this type of treatment. As of July 31, 2004, 62% of the children served by CMH are also served by at least one other division of the Department. It was noted that there are 169 children who fall under DFS and YRS, but not CMH. Ms. Cycyk explained that some of those may be obtaining benefits through their managed care organization (MCO). Chief Judge Kuhn noted that she sees many of the deep end YRS children who have obvious mental health and substance abuse problems who are not plugged in to CMH. Ms. Cycyk asked that the partners at the table help with referrals to CMH when needed.

Ms. Cycyk reported on a CMH budget initiative to have three people to do initial assessments of children within two days of them entering foster care. Ms. Cycyk also explained the general intake and referral procedure in place now for children needing mental health or substance abuse treatment. She did note that unlike YRS and DFS, mental health services are voluntary. Ms. Cycyk reported that

CMH is working hard to keep children within the State of Delaware and to bring them home whenever possible. This has already reduced length of stays in hospitals. She noted that there has been an increase in the use and length of stays for intensive outpatient treatment. She also discussed the individual residential treatment program. (IRT's). These are individual treatment homes that have received training and intensive support. These serve as step down from traditional residential treatment programs. The program served 36 children in the last year. Tania Culley noted that these homes have been great for children to the extent we can access them. The children have done very well in these homes and have bonded with the families. This bond makes it difficult to conceive of moving the child when the need for that level of care has passed. Ms. Cycyk cautioned that these homes should not be called foster families, but rather treatment homes, but that they have not moved any kids that should not be moved.

For the future, CMH is looking to add additional mental health outpatient treatment located at the Terry Center. CMH also hopes to improve crisis intervention. Also, CMH has a new contract for intensive outpatient services for children who are developmentally delayed and mentally ill. CMH is also putting forth a budget request to have mental health day treatment for Sussex County. When asked how the partners around the table can help, Ms. Cycyk asked that everyone help identify the youth in need. Jennifer Barber Ranji expressed appreciation for the information and asked that CMH provide statistics going forward regarding children served on a quarterly basis to CPAC.

#### C. Family Court

Chief Judge Kuhn reported that Judge Tumas is retiring effective October 15, 2004 and that Michael K. Newell would be sworn in as her replacement on October 26, 2004. Chief Judge Kuhn will be handling Judge Tumas' cases until approximately December 1. Once again, the Family Court will be asking for two additional judges in its budget request this year. This item is the number one priority for the judiciary's budget.

Chief Judge Kuhn reported on the Annie Casey collaboration regarding juvenile detention alternatives. This collaboration is studying which children should be in detention pre-trial and pre-sentence. The result of this is that more children not being held in detention and this has caused an increase in referrals from the Family Court to DFS after a finding of dependency or neglect. In one week, the Family Court referred 16 children to DFS.

#### D. Children's Advocacy Center

John Humphrey reported an increase in referrals, but that the CAC is still not seeing all of the cases it should be seeing. It is attempting to determine which cases are being missed. Mr. Humphrey shared with CPAC a diagram of the new space they have acquired for the Dover site. It is located on South DuPont Highway across from the State Service Center. Move in is projected for December. The CAC has received a VOCA grant to address two needs. The first is for three LCSW positions to do initial mental health assessments and assist with case reviews. The second is a back up forensic interviewer to help cover all sites and to perform interviews outside of normal business hours. Mr. Humphrey noted that his agency is at a critical turning point. The Dover center will be coming off federal funding shortly, so he will be seeking state funding to continue functioning.

Mr. Humphrey advocated for the Department of Justice to receive funding for additional deputy attorney generals, as they simply do not have enough resources to consistently send deputies to the CAC interviews. Tania Culley suggested that numbers will justify the need so CPAC would need statistics in order to effectively advocate. This issue will be revisited in January.

E. Department of Justice

Pete Feliceangeli reported that for FY04, the Deputies that handle the dependency/neglect cases had 2,322 court hearings. This represents an 11.6% increase over the prior year. 65 Termination of Parental Rights petitions were granted, representing an increase of 30%. There was a 31% increase in adjudicatory hearings stateside. There was a 130% increase in substantiation hearings. There was a 155% increase in New Castle County alone.

Mariann Kenville-Moore reported that the American Prosecutors Research Institute chose Delaware as one of three sites for its "Finding Words" program for 2006. This will create the ability in Delaware to train people on how to interview children. Delaware will be sending 8 to 9 people to become trained as trainers for this program who will come back to Delaware ready to train law enforcement and child protection personnel on interviewing children.

Ms. Kenville-Moore also reported that the Kids Court program is gearing up. Dee Gruber has been hired to run the program. The State has also received a grant to train on victimless prosecution. She also reported on some staffing changes in the Attorney General's office. Tina Showalter will be heading the domestic violence unit. Jim Apostolico will be in charge of the felony unit leaving a vacancy in the sex crimes unit.

F. Law Enforcement

CPAC welcomed new member Sgt. Phil Hill from New Castle County Police Department.

G. Child Placement Review Board

Julia Pearce reported that the Board's annual meeting was coming up and Judge Kenneth Millman was to be honored for his work to benefit children.

H. Office of the Child Advocate

Tania Culley presented staffing changes and statistics for the Office of the Child Advocate. OCA lost its Pro Bono Coordinator recently, but has two law clerks and two social work interns for the fall semester. OCA recently sent out a mass mailing to attorneys seeking new volunteers. OCA will be conducting a total of six trainings for new attorneys this fall along with eight trainings on advanced child welfare topics. OCA continues to focus on the children who are presently unrepresented in the state in child welfare proceedings. There are 75 children in Kent and Sussex Counties and 23 in New Castle County who don't have representation. OCA maintains a waiting list of 42 children. As of September 30, 2004, OCA is active with 474 children, 384 of which are in New Castle County. Of those 474 children, 372 are in DFS custody. OCA has requested a Deputy Child Advocate for Sussex

County and this request is on the priority list for the Courts. OCA boasts a roster of over 300 volunteer attorneys at the present time.

V. Special Committee Reports

A. ASFA Timelines

Commissioner Mayo reported that a great deal of information has been compiled and several variables have been selected for study. The Family Court has agreed to provide additional data. The next meeting is scheduled for November 15, 2004.

B. Educational Needs of Foster Children

Tania Culley reported that the committee has met three times. The next meeting is November 19, 2004. Ms. Culley stated that this will be a long-term project due to the volume of issues this topic covers. It is likely the committee will have a recommendation regarding training in the near future.

C. Family Court Extended Jurisdiction

Julia Pearce reported that this committee has met twice and is still working to identify the scope of children to be included under extended Family Court Review. The next meeting is scheduled for December 1, 2004.

D. Mental Health Assessments for Foster Children

Susan Cycyk reported that the committee has met twice and is taking a broader look at the mental health needs of foster children, not just assessments.

E. Best Interests

Julia Pearce reported that this committee has met on numerous occasions. The next meeting is scheduled for October 22, 2004. The next meeting will focus on a final review of a draft of legislation. The committee has been debating whether best interests can be a ground to terminate parental rights.

F. Community Notification

Karen DeRasmo reported that this committee has been looking at the sex offender registry to try to add prevention information to the website. The next meeting is October 15, 2004.

VI. Old Business from 7/14/04 Meeting

A. Root Cause Analyses

CPAC again addressed the issue of Root Cause Analyses conducted by the Department. Jennifer Barber Ranji explained that the Department has informed CPAC that it would not be sharing the lessons learned documents generated by these reviews. There is a structure going forward now that

the Child Death, Near Death and Stillbirth Commission has the ability to review child near deaths. However, there are at least two cases brought to CPAC's attention by a Commission member one year ago that were not captured by the new legislation. Ms. Ranji suggested that there are three choices as to these cases: not review these cases knowing that we have a system for reviewing child near deaths going forward; engage in further discussions with the Department to see if we can obtain the lessons learned from these specific RCAs; or have CPAC review these cases as the federal Citizen Review Panel, with CPAC either actually performing the reviews or requesting that CDRC perform the reviews. Questions were raised regarding whether CDRC would be able to do the reviews, given their statutory authority. Considerable discussion ensued as to how to resolve this issue. The consensus was that in CPAC's role as the Citizen Review Panel for the State of Delaware, it would be appropriate for CPAC to undertake this task. There have been requests to review three cases.

**ACTION:** Upon a motion duly made and seconded, it was unanimously decided that a CPAC subcommittee would review three near death cases utilizing the Root Cause Analysis methodology.

Several CPAC members volunteered to be on the subcommittee.

#### B. Statistics From Child Welfare Partners

Janice Mink reported on the team from Delaware that presented at the Child Welfare League of America on the process of creating a Blueprint for Excellence in Delaware to reform foster care. They created an accomplishment sheet for the presentation and handed it out to CPAC.

#### C. CPAC Bylaws

CPAC revisited the issue of voting practices. Previously, CPAC had discussed adding language to the bylaws to the effect that a vote of an individual member did not reflect the represented agency's position. This issues surrounds whether CPAC acts as a body or as individual members from agencies. Also, it was suggested that issues would arise during the meeting that a representative would not be able to know the agency position. It was suggested to change practice, not the bylaws regarding voting. In going forward, it was suggested that the agenda specify issues to be discussed and voted upon during meetings so individuals could acquire their agency positions. Bylaws will remain as they are, no motion needed.

### VII. New Business

#### A. DSCYF Holistic Services Team

There have been a number of concerns/complaints about the Department's Holistic Services Team. Tania Culley reported consistent complaints from the Court and from the Attorney Guardian Ad Litem regarding the performance of the Teams. Susan Cycyk reported that the issue has come to a head in the last three months and offered to have a presentation for the next CPAC meeting. Susan Cycyk also agreed to provide OCA with a list of all children in Department custody who are served by that team.

### VIII. Other Business

Mary Ball Morton stated that she is currently with a group in Washington that is working on reforming the ICPC. One of the questions that they are addressing is “Are we losing safety in the process?” Ms. Morton offered to send drafts to Tania Culley to circulate to CPAC members for comment.

Ms. Morton also raised concerns about federal legislation that has been introduced, HB 4504 that would mandate that home studies to be done more quickly. There would be some incentives tied to the bill, but it would put an additional burden on the Department. Currently Delaware does not allow private adoptions. There is some possibility that this legislation would impact this the issue of private adoptions in Delaware.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:15 p.m.